

Hon. Benjamin H. Settle

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA

ANTONIO ABEL, a single person, and
KEITH A. FREEMAN, a single person,

Plaintiffs,

vs.

CITY OF ALGONA, a Washington
municipal corporation; STEVEN T.
JEWELL and JANE DOE JEWELL,
husband and wife; DAVID HILL and JANE
DOE HILL, husband and wife; and JOSEPH
SCHOLZ, a single person,

Defendants.

No. C07-956BHS

STIPULATION AND ORDER RE FED.
R. CIV. P. 35 EXAMINATION OF
ANTONIO ABEL

I. STIPULATION

The parties by and through their attorneys of record stipulate as follows:

1. Plaintiff Antonio Abel shall be examined by Russell Vandenberg, MD, pursuant to Fed. R. Civ. P. 35 concerning Mr. Abel's mental, emotional and/or psychiatric condition.

2. The examination by Russell Vandenberg, MD, shall occur on June 13, 2008, and shall commence at 9:00 a.m.

3. The examination shall consist of an oral interview of Mr. Abel by Dr. Vandenberg.

STIPULATION AND ORDER RE FED. R. CIV. P. 35
EXAMINATION OF ANTONIO ABEL - 1

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4. Defendants reserve the right to have Dr. Vandenbelt perform an MMPI on Mr. Abel at a later date. Mr. Abel reserves the right to object to any MMPI testing.

5. A report of the examination which meets the requirements of Fed. R. Civ. P. 35(b) and 26(a)(2) shall be delivered to plaintiffs' counsel no later than 14 days following the date of the examination, and counsel stipulate that said report shall be deemed timely under the provisions of Fed. R. Civ. P. 26(a)(2)(B) so long as it is delivered to plaintiffs' counsel within that 14-day period.

6. Mr. Abel is entitled to have one non-attorney representative present during the examination by Dr. Vandenbelt and to audio record the examination in an un-intrusive manner.

DATED this ____ day of June, 2008.

OLSEN LAW FIRM PLLC

PATTERSON BUCHANAN

FOBES LEITCH & KALZER, INC., P.S.

By: _____

By: _____

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II. ORDER

Based upon the above stipulation of the parties, the examination of Antonio Abel by Russell Vandenberg, MD, shall proceed as set forth in the above stipulation.

IT IS SO ORDERED.



BENJAMIN H. SETTLE
United States District Judge

Presented by:

OLSEN LAW FIRM PLLC

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STIPULATION AND ORDER RE FED. R. CIV. P. 35
EXAMINATION OF ANTONIO ABEL - 3

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